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NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
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NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 12/17/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA
(SFO-GVA-VII): (U) LAWYERS' MEETING ON RUSSIAN PRACTICES
CONCERNING "INITIALING" OF INTERNATIONAL AGREEMENTS,
DECEMBER 15, 2009

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

¶1. (U) This is SFO-GVA-VII-148.

¶2. (U) Meeting Date: December 15, 2009
Time: 3:30 P.M. - 4:15 P.M.
Place: U.S. Mission, Geneva

SUMMARY

¶3. (S) U.S. lawyers, Mr. Brown and Ms. Stewart, met with Russian lawyer, Mr. Lobach, to discuss Russian practice on "initialing" international agreements. Based on the discussion, it appeared that the option of "initialing" the joint draft text (JDT) was not available to the Russian head of delegation, absent approval by the Russian President and following conforming. The most that the Russian head of delegation would be authorized to do with respect to the JDT would be to acknowledge it as reflecting the current stage of the negotiations. End Summary.

¶4. (S) SUBJECT SUMMARY: Discussion of Russian Practice on "Initialing" International Agreements.

DISCUSSION OF RUSSIAN PRACTICE
CONCERNING "INITIALING" OF
INTERNATIONAL AGREEMENTS

15. (S) On the margins of a scheduled Conforming Group meeting, Lobach asked to meet with U.S. lawyers to discuss Russian practice on "initialing" international agreements. Lobach explained that he was raising the issue not because he had been asked to do so by his head of delegation but to explain the Russian practice. He acknowledged that, if asked, he would provide the same assessment to the Russian delegation. Lobach said that the Russian concept of "initialing" (in Russian, "parafirovaniye") would be applicable only in the case of a text that had been fully conformed in the two languages and approved by the Russian President, or at a level much higher than that of the delegation. He added that only in this case would the text be printed on official treaty paper. Lobach remarked that the most that the Russian head of delegation was authorized to do would be to "confirm" the text (in Russian, "vizirovaniye") in writing, using initials or signature, perhaps at the end of the text, as reflecting the current state of the negotiations. That confirmation would not constitute a legal or political commitment on behalf of the Russian Federation. He noted that after review in Moscow this text could be easily changed.

16. (S) In terms of what the heads of delegation could do in order to reflect agreement on a JDT, Lobach said that it could be a public statement that the two heads of delegation had "agreed in principle" on a JDT. Lobach suggested that the Presidents could also issue a statement concerning agreement by the heads of delegation. In terms of an

internal mechanism to record the progress reflected in the JDT, Lobach said that one option would be something analogous to an "agreed minute." In any case, Lobach expressed his view that the JDT should consist of all text, not just unbracketed text.

17. (U) Documents provided: None.

18. (U) Participants:

UNITED STATES

Mr. Brown
Ms. Stewart

RUSSIA

Mr. Lobach

19. (U) Gottemoeller sends.
GRIFFITHS